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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/717,271

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Douglas B. Macrae

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ROPES & GRAY LLP

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EXAMINER

IDOWU, OLUGBENGA O

ART UNIT

PAPER NUMBER

2425

MAIL DATE

DELIVERY MODE

03/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/717,271	Applicant(s) MACRAE ET AL.	
	Examiner OLUGBENGA O. IDOWU	Art Unit 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-19, 39-44, 64-69, 89-94 and 101-104 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-19, 39-44, 64-69, 89-94 and 101-104 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/04/2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 14-19, 39-44, 64-69, 89-94 and 101-104 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14 -15, 17, 19, 39 - 40, 42, 44, 64-65, 67, 69, 89-90, 92 and 94 rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, publication number: US 2004/0139465 A1 in view of Schrader, publication number: US 20020166123 A1.

As per claims 14, 39, 64 and 89, Matthews teach providing users with real- time information using an interactive television program guide application, the method comprising:

accessing real-time information from at least one real-time data feed (hyperlinks, [0069], lines 1 – 2, 5 - 9);

displaying at least one program listing comprising at least some of the real-time information, wherein the at least one program listing corresponds to a program (EPG, [0047]);

providing the user with an indication that content related to the real-time information is available, wherein the indication is selectable (hyperlinks, [0069], lines 1 – 2, 5 - 9) and wherein the content is not the program that corresponds to the at least one program listing (hyperlink accessing information from the web, [0072]); and

in response to selecting the indication, displaying the content (browser being launched based on hyperlink access, [0072]).

Matthews does not teach wherein the information is associated with at least one real time event and wherein the displayed information is updated in real-time responsive to changes in the at least one real-time event.

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In an analogous art, Schrader teaches the information is associated with at least one real time event and wherein the displayed information is updated in real-time responsive to changes in the at least one real-time event ([0096], Fig. 6, 7a, 11 – 13b).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Matthews' EPG system by including a system such as Schrader's for the advantages of providing the user with multiple options and giving the user a better idea of the what is available hence, allowing the to acquire a high level of satisfaction from interacting with the system.

As per claims 15, 40, 65 and 90, the combination of Matthew and Schrader teach wherein the indication is a video clip (hyperlink being a link to a video, [0069], lines 9 - 14).

As per claims 17, 42, 67 and 92, the combination of Matthew and Schrader teach wherein the indication is an alert (hyperlink 140, [0069], lines 1-2)

As per claims 19, 44, 69 and 94, the combination of Matthew and Schrader teach wherein the displaying the real-time content further comprises providing the user with a program that is currently being broadcast, and wherein the program that is currently being broadcast is discussing the real-time information (hyperlink for the Seinfeld show pointing to video coverage of Jerry Seinfeld, [0069], lines, lines 9 - 14)

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As per claims 101- 104, the combination of Matthew and Schrader teach further comprising buffering the accessed real-time information by storing the real-time information in a database ([0069], lines 17 - 22).

5. Claims 16, 41, 66 and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, publication number: US 2004/0139465 A1 in view of Schrader, publication number: US 20020166123 A1 in further view of Schlarb, publication number: US 2004/0078823 A1.

As per claims 16, 41, 66 and 91, Matthews and Schrader teach a system that indicates the availability of data to a user and allows the user to access the data.

The combination does not teach a system that uses an icon.

In an analogous art, Schlarb teaches a system that uses an icon as an indication (PPV icon 302, [0018])

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Matthews and Schrader by including an icon instead of a whole URL, as described in Schlarb's program identification system for the advantages of reducing clutter in the EPG and allowing user to easily comprehend what is being displayed.

6. Claims 18, 43, 68 and 93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, publication number: US 2004/0139465 A1 in view of

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Schrader, publication number: US 20020166123 A1 in further view of Dunn, patent number: US 6 668 377B1.

As per claim 18, 43, 68 and 93 Matthews and Schrader teach indicating the availability of data to a user and allows the user to access the data.

The combination does not teach a system whereby the user can remove an indication.

In an analogous art, Dunn teaches a system whereby the user can remove an indication(removing an item from a list, col. 10, lines 21 – 26)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Matthews and Schrader by allowing a user to remove unnecessary indicators, as described in Dunn's preview system, for the advantages on reducing clutter and unnecessary indicators in the program guide.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUGBENGA O. IDOWU whose telephone number is (571)270-1450. The examiner can normally be reached on Monday to Friday, 7am - 5pm Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendelton can be reached on 571 272 7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Olugbenga O Idowu/
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425